

HOUSE No. 429

By Mr. DeLeo of Winthrop, petition of Robert A. DeLeo and Brian Paul Golden relative to written majority authorization cards, petitions and other written evidence of collective bargaining results. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO WRITTEN MAJORITY AUTHORIZATION CARDS, PETITIONS AND OTHER WRITTEN EVIDENCE OF COLLECTIVE BARGAINING RESULTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 150E of the General Laws is
2 hereby amended by inserting after the last paragraph thereof the
3 following paragraph:—
4 “Written majority authorization”, writings signed and dated by
5 employees in the form of authorization cards, petitions, or such
6 other written evidence as the commission shall find suitable, in
7 which a majority of employees in an appropriate bargaining unit
8 designate an employee organization as their representative for the
9 purpose of collective bargaining. Employee signatures must be
10 dated within the twelve months preceding the date on which the
11 writings are proffered to establish majority and exclusive repre-
12 sentative status within the meaning of section four.

1 SECTION 2. Section four of Chapter 150E of the General
2 Laws is hereby amended by inserting at the conclusion of the
3 second paragraph thereof the following:—
4 Notwithstanding any other provision of this section, the com-
5 mission shall certify and the public employer shall recognize as
6 the exclusive representative for the purpose of collective bar-
7 gaining of all the employees in the bargaining unit an employee
8 organization which has received a written majority authorization
9 as defined in section one and as hereinafter set forth, provided that

10 this rule shall apply only when no other employee organization
11 has been and currently is lawfully recognized as the exclusive rep-
12 resentative of the employees in the appropriate bargaining unit.
13 Whenever an employee organization proffers evidence that it has
14 received a written majority authorization, the employee organiza-
15 tion and the public employer shall agree upon a neutral to conduct
16 a confidential inspection of the evidence of written majority
17 authorization. If within ten days the employee organization and
18 the public employer do not agree upon a neutral, the commission
19 shall act as the neutral. The neutral shall verify the employee
20 organization's majority support within the appropriate bargaining
21 unit and report the results of such inspection in writing to the par-
22 ties and, if the verification was conducted by an agreed neutral, to
23 the commission. The commission shall establish rules and proce-
24 dures for the prompt verification of evidence of written majority
25 authorization, which rules shall include safeguards to protect the
26 privacy of individual employee choice, and which shall further
27 provide that, absent exceptional cause, the verification procedure
28 shall not last longer than ten days from the appointment of the
29 neutral or from assumption by the commission of the duties of the
30 neutral.

1 SECTION 3. Section two of chapter 150A of the General Laws
2 is hereby amended by inserting after subsection eleven thereof the
3 following subsection—

4 (12) The term “written majority authorization” means writings
5 signed and dated by employees in the form of authorization cards,
6 petitions, or such other written evidence as the commission shall
7 find suitable, in which a majority of employees in a unit appro-
8 priate for collective bargaining designate or select a labor organi-
9 zation as their representative for the purpose of collective
10 bargaining. Employee signatures must be dated within the twelve
11 months preceding the date on which the writings are proffered to
12 establish majority and exclusive representative status within the
13 meaning of subsection (a) of section five.

1 SECTION 4. Subsection (c) of section five of chapter 150A of
2 the General Laws is hereby amended by inserting at the conclu-
3 sion thereof the following:—

4 Notwithstanding any other provision of this section, the com-
5 mission shall certify to the parties, in writing, and the employer
6 shall recognize as the exclusive representative for the purpose of
7 collective bargaining of all the employees in the bargaining unit a
8 labor organization which has received a written majority autho-
9 rization as defined in section two and as hereinafter set forth, pro-
10 vided that this rule shall apply only when no other labor
11 organization has been and currently is lawfully recognized as the
12 exclusive representative of the employees in the appropriate bar-
13 gaining unit. Whenever a labor organization proffers evidence
14 that it has received a written majority authorization, the labor
15 organization and the employer shall agree upon a neutral to con-
16 duct a confidential inspection of the evidence of written majority
17 authorization. If within ten days the labor organization and the
18 employer do not agree upon a neutral, the commission shall act as
19 the neutral. The neutral shall verify the labor organization's
20 majority support within the appropriate bargaining unit and report
21 the results of such inspection in writing to the parties and, if the
22 verification was conducted by an agreed neutral, to the commis-
23 sion, which shall in turn certify the results to the parties, in
24 writing. The commission shall establish rules and procedures for
25 the prompt verification of evidence of written majority authoriza-
26 tion, which shall include safeguards to protect the privacy of indi-
27 vidual employee choice, and which shall further provide that,
28 absent exceptional cause, the verification procedure shall last not
29 longer than ten days from the appointment of the neutral or from
30 the assumption by the commission of the duties of the neutral.